

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GAUGE BY DESIGN, LTD.,	:	
	:	
Plaintiff,	:	<u>ORDER DISMISSING</u>
	:	<u>COMPLAINT FOR LACK OF</u>
-against-	:	<u>JURISDICTION</u>
	:	
COLDWATER DIRECT LLC,	:	20 Civ. 6230 (AKH)
	:	
Defendant.	:	
	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff Gauge By Design, Ltd., a corporation incorporated in and with its principal place of business in New York, sues Defendant Coldwater Direct LLC. The alleged jurisdictional basis is diversity of citizenship, pursuant to 28 U.S.C. § 1332.

For diversity purposes, a limited liability company is deemed to be a citizen of all the states in which its members are citizens. *See Handelsman v. Bedford Vill. Assocs. Ltd. P'ship*, 213 F.3d 48, 51052 (2d Cir. 2000) (citing *Carden v. Arkoma Assocs.*, 494 U.S. 185, 195-96 (1990)); *see also Americold Realty Tr. v. Conagra Foods, Inc.*, 136 S. Ct. 1012, 1014 (2016) (“While humans and corporations can assert their own citizenship, other entities take the citizenship of their members.”). Plaintiff has failed to identify the Defendant limited liability company’s members and to allege their citizenship.

The complaint is dismissed, with leave to replead an adequate basis of complete diversity of citizenship no later than 30 days from this order.

SO ORDERED.

Dated: August 12, 2020
New York, New York

/s/ Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge